

Femocrats, Official Feminism, and the Uses of Power: A Case Study of EEO Implementation in New South Wales, Australia†

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The theme of women and power is one that has been a constant element in American feminist theory since the resurgence of the women's movement in the 1960's. In this paper I hope to contribute to this ongoing discussion, using as my primary source material my own experience in Australia from 1980 to 1988, in the world of what the Australians term the "femocrats."¹ I see this paper as part of a larger enterprise, being carried out internationally, to assess the impact of a wide variety of feminist interventions.² Since the 1960's, feminists have been part of a number of activities seeking to realize feminist goals, using whatever structures and resources they could find at hand.

The methodology I employ is a form of participant-observation, writing contemporary history from within, in a mode given the stamp of approval by radical historians some years back, but which I carry out with some trepidation nonetheless. The method of using one's own experience to build theory has a solid basis within feminism, to be sure — what else was consciousness-raising about? Yet in the current academic climate of epistemological relativism, which gives the empirical, let alone the experiential, short shrift as a path to knowledge and truth, I feel, well, uneasy. I will return, in my conclusion, to this question of feminist methodology for theory-building.

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1. Feminist bureaucrat; *see infra* note 7 and accompanying text.

2. *See, e.g.*, *PLAYING THE STATE: AUSTRALIAN FEMINIST INTERVENTIONS* (S. Watson ed. 1990); *THE WOMEN'S MOVEMENT IN THE UNITED STATES AND WESTERN EUROPE* (M. Katzenstein & C. Mueller eds., 1987).

If one were to construct a preliminary categorization of feminist interventions, it might look as follows:

Category 1. *Bureaucratic-individual*: entering the bureaucracy of state or national government at a policy-making level as a self-identified feminist.

Category 2. *Bureaucratic-structural*: creating new structures within government or university administrations to benefit women (for example, women's policy units; Women's Studies programs; Ministries for Women's Affairs).

Category 3. *Legal reform*: introducing new legislation or revising existing legislation to benefit women (for example, anti-discrimination laws; changes to the law governing rape).

Category 4. *Political participation in a leadership role*: running for some form of political office (broadly defined) as a self-proclaimed feminist (for example, the Ferraro vice-presidential candidacy; seeking to become a mayor or member of a legislature; seeking to run for office in a labor union).

Category 5. *Alternative structures*: creating a feminist organization outside of the mainstream of existing political and administrative structures (for example, women's refuges or rape crisis centers).

It is a matter for debate among feminists, inside and outside of the academy, as to whether any of these interventions has really improved the status of women.³ It is particularly difficult to assess some of the activities that partake of what I call "official feminism," actions that involve state participation in women's affairs or women's concerns, as these are variously characterized by governments and bodies such as the United Nations.

Yet I believe that some assessment is required at this historical moment, in which the politics of feminist commitment has such a crucial role to play on the world stage. I argue here that in entering the debate and seeking to make such an assessment (and the above list of types of interventions is by no means exhaustive), a number of variables must be taken into account. The set of variables most vivid to me given my recent experience is the significance of national differences in shaping feminist interventions. The history I am presenting in this paper as a case study makes sense in the context of Australian feminism. How relevant is this to other places?

It seems to me that national differences are in fact important in shaping feminist interventions, and that this requires some analysis. In my view, national differences have at least three components. First, there are the national political differences between any two countries. I mean this in a pre-feminist or patriarchal sense, looking at the political culture of the

3. For discussion of this issue, see, e.g., THE WOMEN'S MOVEMENT IN THE UNITED STATES AND WESTERN EUROPE, *supra* note 2.

country without, for the moment, looking at its indigenous feminisms. For example, an important difference between the United States and Australia is the difference in the role of unions in the two countries.⁴ In Australia, the workforce is more than fifty percent unionized. The powerful unions and their national organization, the Australian Council of Trade Unions (ACTU), has an important voice in state and national politics, particularly under a Labor government. In sharp contrast, in the U.S. union membership has dropped to below twenty percent, and the influence of organized labor waned significantly in the Reagan years.

Second, there are national differences in the character of the women's movements as these have been shaped by — or perhaps more accurately, as these have developed in the context of — each country's political structures. Thus the campaign for equal pay for work of comparable value has a different configuration in Australia than in the U.S., because the structure that determines salaries and wages is completely different. Australia operates under a centralized industrial arbitration system, while the U.S. has a decentralized collective bargaining system.

Finally, there is the particular mix of feminist theory with practice that has emerged in each country. Having moved from the world of Women's Studies in the U.S. to the world of the femocrat in Australia, I was struck by the deep differences in the character of the local feminisms in each country. At least some of the differences that I have experienced stem from the national character (to invoke a much discredited term) of the feminist theories most current in a given culture, and the effect of this upon the explicit and implicit objectives of local feminist activity.⁵

Australian feminists appear to me to operate on the basis of a socialist-feminist praxis linked to the politics of the welfare state. This gives rise to campaigns and objectives that center upon the protection of the economic rights of women as workers and as mothers, whether or not they work outside of the home. Thus feminists have focused upon issues such as welfare rights; child support payments; protection of women through extending union coverage (for example, in the garment industry for work done at home); and so on. In contrast, American feminists working in the

4. The example of trade unions is not directly relevant to the material presented here, but is one of the fundamental differences that I believe has shaped the femocratic phenomenon, in that the traditional underlying assumptions about worker entitlements in Australia are part of a political climate that has made room, over time, for some feminist claims — although not without long and hard struggles! On what follows, see Ryan, *Equal Pay, Comparable Worth and the Central Wage Fixing System*, 6 AUSTRALIAN FEMINIST STUDIES 7-16 (1988); C. BURTON, WOMEN'S WORTH: PAY EQUITY AND JOB EVALUATION IN AUSTRALIA (1987).

5. I enter a caveat here, as my data base is idiosyncratic. Clare Burton has suggested to me that I am perhaps comparing apples to oranges, and that rather than comparing Australia to the U.S., I am in fact contrasting the international culture of Women's Studies to the international culture of feminist activism in government and union circles. (Personal communication; Burton is an expert on comparable worth and equal employment opportunity in Australia who was appointed Director of Equal Opportunity in Public Employment by the Liberal-National government of New South Wales in 1988.).

area of legal reform are in many instances drawing upon the tradition of radical feminism, with its basis in gender theory, and concentrating on the debate over equality vs. difference. This gives rise to campaigns and objectives that center upon the extension of legal rights to women as women, for example, in the campaign to characterize pornography as sex-based discrimination.⁶

To generalize in this way is obviously to falsify the situation somewhat. Many strands of feminist theory are present both in the U.S. and in Australia, and there is overlap in the range of activities and commitments connected to all of these strands. But the point I want to make here is that it is crucial to observe the interaction between local feminisms, in all of their varieties, and the structures of power within which they are compelled to operate. For feminists seeking to assess the impact of feminist interventions, it is very important to see clearly what strands of feminist theory and practice are picked up by and articulated into the structures of power, and what are the implications of this process for the ultimate outcomes. In the longer run, the shape of feminist victories and defeats will be determined by this dialectical process.

CASE STUDY: EEO LEGISLATION IN NEW SOUTH WALES AND ITS IMPACT ON THE DEPARTMENT OF EDUCATION, 1981 TO 1988

I turn now to the raw material of my experience as a femocrat in Australia. When I first arrived in Sydney in 1980, I was dazzled by the highly political feminists I encountered there. They seemed utterly at ease with the structures of power at state and national levels. They understood the mysteries of bureaucratise, of applying for senior positions in government, of chairing a meeting in order to control the outcome, of lobbying at endless, wine-soaked luncheons and dinner parties, and of following the complex rules of standing for pre-selection as a candidate for parliament.

These feminists were intensely practical-minded, and they were immersed, too, in a kind of detail that I found overwhelming and mystifying. These women, I was to find out, were mostly femocrats, an Australian coinage, referring to feminist bureaucrats.⁷ When I first heard the word it was introduced to me as a term in common usage that connoted sell-out or

6. For a preliminary account of Australian feminist interventions, see *PLAYING THE STATE*, *supra* note 1. For an account of the special treatment/equal treatment debate, see Finley, *Transcending Equality Theory: A Way Out of the Maternity and the Workplace Debate*, 86 COLUM. L. REV. 1118 (1986). On the legislation defining pornography as a civil rights violation, see C. MACK-INNON, *Francis Biddle's Sister: Pornography, Civil Rights, and Speech* in *FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW* 163-97 (1987).

7. I have seen the word in print in only one other national context, referring to the analogous Canadian experience. See Weir, *Women and the State: A Conference for Women Activists*, *FEMINIST REV.* 26 (July 1987). For a discussion of the Australian femocrat, see, e.g., R. CONNELL, D. COURT & S. FRANZWAY, *STAKING A CLAIM: FEMINISM, BUREAUCRACY AND THE STATE* (1989); Franzway, *With Problems of Their Own: Femocrats and the Welfare State*, *AUSTRALIAN FEMINIST STUDIES* 3 (Summer 1986).

co-optation. Femocrats were seen as being at the opposite end of the spectrum from the true feminist believers in overalls who inhabited the separatist communities of Sydney, where the genuine heart of the feminist revolution lay. The opposition, then, was between revolutionary feminism of the streets, outside the corrupt system of power and prestige, and the official feminism of the state, which created bureaucrats in its own image. The femocrats were seen as painted birds whose role it was to contain and to dissipate the energy of the women's movement.⁸

There has been considerable debate over the role of the femocrat in Australia. The decision to enter state and federal bureaucracies was a conscious feminist strategy, particularly among members of the main feminist lobby group, the Women's Electoral Lobby. When the Federal Labor government fell in 1975, following a political "coup" widely attributed to the activities of the American CIA, many feminists despaired of influencing the right-wing party in power and set out upon an alternate course. Their strategy was to influence policy through the state and federal public administrations by means of the creation of women's units to develop legislation and budget allocations that would attend specifically to the interests of women.⁹

The strategy of creating a femocracy has gone hand in hand with a strategy of alliance with the Labor Party. When the fortunes of Labor turned in 1976 with the election of the government of Neville Wran in New South Wales, this resulted in a strong voice for women in the Labor government of New South Wales, and subsequently in the national Labor government under Hawke, although in recent years the latter appears to have been waning.¹⁰ In New South Wales, women's units were established in the Department of Industrial Relations, the Health Department, and most significantly, in the Premier's Department. These units were responsible, among other things, for preparing the so-called women's budget every year. This was a second go-round of the official budget process, the results of which were announced on International Women's Day, with special allocations for women's programs.¹¹

Australian femocrats have become significant enough as a phenomenon

8. On this point, see Summers, *Let Me Introduce Myself*, Ms. (January, 1988).

9. For a full account of this strategy and its progress, see Sawer, *The Long March Through the Institutions: Women's Affairs Under Fraser and Hawke*, in *FROM FRASER TO HAWKE* (B. Head & A. Patience eds. 1989).

10. A symptom of this was the resignation of Hawke's feminist Minister of Education, Susan M. Ryan, in 1987.

11. For the last of these under the Labor government, which fell on 19 March 1988, see the "Statement" by Premier Barrie Unsworth for March 1988 covering initiatives in child care, legal measures against rape and child sexual assault, domestic violence, women's employment and training, EEO, women in small business, housing, health, women in prison, and several other areas, including special measures for Aboriginal women. NSW GOVT. PRINTER, STATEMENT BY HON. BARRIE UNSWORTH, MP, PREMIER OF NEW SOUTH WALES AND MINISTER RESPONSIBLE FOR WOMEN'S INTERESTS TO INTERNATIONAL WOMEN'S DAY RECEPTION (1988).

for a literature to have grown up around them, debating all aspects including dress, behavior, and political commitment.¹² What is most significant for the purposes of this paper is that femocrats had become, by the time I entered the New South Wales public service, a significant force for change. A whole generation of feminists had taken this route, for a mixture of reasons including financial and professional ambitions, feminist and other political commitments, and blockage in other careers, most importantly, I believe, in the academic world, which had not (in strong contrast to the United States) created a world of Women's Studies to welcome, or at least, to make some grudging room for self-proclaimed feminist academics.

For me, what was striking about the femocrats was their undisguised commitment to feminism, and the acceptance of this within the bureaucracy. This was not a generation of women who, to win senior positions in government, had to conform to the reigning ethos and disguise their personal convictions. Indeed, the demonstrated commitment to feminism had been incorporated into job descriptions. The spectacle of very traditional-looking male bureaucrats, in pin-striped suits and conservative ties, reading over the credentials of women candidates and discussing seriously their respective claims to authentic feminist commitment and political experience, is one that stays with me as a testimony to the effectiveness of the femocratic experiment, at least as a way into the ranks of the bureaucracy.

By the 1980's there were sufficient numbers of femocrats, at least in New South Wales, to be divided into specializations. In addition to health, child care, welfare, legal reform, and education femocrats, there were also femocrats edging their way into very "male" areas such as the Treasury and the Water Board. And there were people like myself, who were Equal Employment Opportunity (hereinafter EEO) femocrats, whose job it was to make sure that more and more women — among other groups — followed their sisters into positions of significant influence.

The EEO legislation in New South Wales was introduced in September, 1980, as an amendment, Part IX(A), to the Anti-Discrimination Act of 1977. The legislation established the Office of the Director of Equal Opportunity in Public Employment as a body to oversee the implementation of the law, and required all authorities scheduled under the amendment to produce an Equal Employment Opportunity Management Plan, which was to be submitted to the Director for her approval. The Plan was to be statistically based and was to establish targets for the increased hiring and promotion of members of the target groups, namely, women, mi-

12. See H. EISENSTEIN, *Women, the State and Your Complexion*, in GENDER SHOCK: PRACTICING FEMINISM ON TWO CONTINENTS (forthcoming). See also R. CONNELL ET. AL. *supra* note 7; Franzway, *supra* note 7; M. SAWER, *SISTERS IN SUITS* (forthcoming); A. YEATMAN (forthcoming study of Australian femocrats and the welfare state).

grants of non-English-speaking background, Aborigines, and (in a 1983 amendment) people with physical disabilities.

The legislation in New South Wales was based on the implementation of affirmative action in the U.S., but was designed to be particularly Australian in flavor. This is of course an elusive concept, but in general terms this meant that the New South Wales legislation would avoid what were generally seen (unfairly, in my view) to be the excesses and exaggerations of the American experience. Specifically, the legislation avoided any provision for what was termed "hard" affirmative action in the form of "quota" hiring, that is, direct preferential hiring. Rather, it was intended that the exercise of preparing a statistical analysis of the workforce in each authority, and then of developing numerical or percentage targets for improving representation, would have the effect over time of improving the profile of the organization by a process of slow institutional change, both in attitudes and in procedures.

The Director of Equal Opportunity in Public Employment (hereinafter DEOPE) appointed in September 1980 was Alison Ziller, who was born in Great Britain and had migrated to Australia some ten years previously. Ziller had worked in the New South Wales public service in a number of capacities, including positions at the Anti-Discrimination Board and the Public Service Board. She had been a colleague of Dr. Peter Wilenski, the director of a review of the New South Wales Public Administration that had given rise to the New South Wales EEO legislation.¹³ She had written the report for the review on EEO, entitled *The Affirmative Action Handbook*.¹⁴ She was thus well qualified to take up the position of Director, although her appointment was delayed by the opposition of the head of the Premier's Department, Gerry Gleeson, on the well-founded suspicion that she was likely to be an effective implementer of the legislation.

I joined the office of the DEOPE in March, 1981, as the first Senior Adviser. I was thus part of the early years of the implementation of the EEO program, when the question was still open as to whether or not this piece of law would have any real impact on practices within the New South Wales public service. The crucial variable was the attitude of the New South Wales Premier, Neville Wran. Wran was elected on a platform that included a promise of introducing equal employment opportunity legislation. In his first year in office he established the Anti-Discrimination Board, with legislation that provided for redress against complaints of discrimination on the grounds of sex, race, and marital status.¹⁵ A powerful and charismatic figure, Wran led Labor to victory in

13. P. WILENSKI, *DIRECTIONS FOR CHANGE* (1977).

14. A. ZILLER, *AFFIRMATIVE ACTION HANDBOOK* (1980) (review of New South Wales Government Administration).

15. Physical and mental disability (1983) and sexual preference (1985) were added as grounds as the legislation gained credibility and strength.

New South Wales the year after the traumatic defeat of Labor nationally in 1975. The coalition of constituencies that Wran put together — including unions, progressive inner-city yuppies, business-people, women, Aborigines, and members of the several migrant communities — was to become a model for Labor leaders in the decade that followed, culminating in victories for Labor in the states of Victoria, South Australia, Western Australia, and, in 1983, the national government of Bob Hawke.

Wran was seen as an authentic working-class hero. Although he was from a poor family, he had actually received a law degree from Sydney University, and had become a successful and wealthy barrister before entering politics. He prided himself on his ability to fraternize with all strata of the population, and to rub shoulders with wharfies in pubs as well as to charm bankers and financiers. His style of leadership within the party was based upon his personal prestige and his notoriously fearsome temper when crossed. The government owed its victory to Wran's personal qualities, and so he was able to exert power over his cabinet colleagues by virtue of saying what he wanted in a very loud voice.

In addition to his personal qualities, Wran's power within the Labor Party stemmed from his successful balancing act between the Right and the Left. This he maintained in part in a complicated partnership with Gleeson, head of the Premier's Department, whom he used as a kind of Alsatian to attack policies and persons who were perceived to be too far to the left. The struggle between Right and Left often took the form of Wran permitting Gleeson certain victories, but overriding him on other issues. On the appointment of Ziller, Wran overrode Gleeson, giving a first indication that he intended to take the EEO legislation seriously.

The first act in implementation of Part IX(A) was the requirement that the departments and authorities of the New South Wales state administration submit their EEO management plans by 1 September 1982.¹⁶ In order to do so, organizations had to hire an EEO officer, known as a Coordinator. The role of DEOPE under the legislation was to advise and assist organizations. We did this by helping them to hire appropriate personnel to prepare the plans, by providing seminars on data collection to assist Coordinators in carrying out the statistical survey establishing a baseline profile of their workforce, and by giving moral, political, and emotional support to the Coordinators.

The departments and declared authorities were not at all inclined to take the EEO legislation seriously. Under the 1979 Public Service Act, the departments had been given a great deal of freedom to manage themselves, especially in the area of recruitment and promotion of staff above

16. The New South Wales state administration is comprised of two kinds of bodies, departments and authorities. Departments operate under a single piece of public service legislation, the Public Service Act of 1979. The declared authorities each operate under separate enabling legislation.

the entry ("base grade") levels. The authorities had always enjoyed such freedom by virtue of operating under their own legislation.¹⁷ All organizations viewed the passage of the EEO legislation as a form of window dressing. The initial letters to heads of organizations, and the dutiful visits of the DEOPE, were greeted with derision.

When it became clear that organizations were dragging their heels and showing no intention of meeting the deadline, the DEOPE decided to appeal to the Premier for his support. I was asked to draft two alternative memoranda, one indicating mild concern at the delays in lodgement of the initial EEO management plans, and the other forceful, using phrases like "I view with grave dismay" After her meeting with the Premier, the Director returned in triumph, reporting that Wran had pushed aside the weaker memo and signed the tough one.

The effect of the memo was magical. I remember remarking on the power of the written word, seeing the effects of the one piece of paper on the attitudes and the behavior of the heads of the organizations. The EEO plans began to appear in our office. This experience of the first test of Wran's commitment to the legislation was repeated many times over the period from 1981 to 1986, when Wran retired from the Premiership. This was my first lesson in the power of legislation and how it was linked, in the New South Wales context, to political power. The office of the DEOPE had the backing of the Premier, and so power flowed to us in an invisible but palpable stream.

The power, such as it was, was not, however, exerted equally: the organizations making up the New South Wales public administration were enormously individual and distinct, and so, too, were their attitudes toward the EEO legislation. In the first phase of implementation, the organizations scheduled under the amendment were the departments and the authorities, some seventy-five in number.¹⁸ These included the Department of Main Roads, the Water Board, and the State Rail Authority, ranging in size from 5,000 to over 50,000 employees. Their employment practices had gone virtually without outside scrutiny for many years, and were based principally on seniority, controlled by powerful trade unions, and, in many instances, on nepotism and local networks. In the Department of Main Roads, for example, recruitment was carried out locally across the state in some seventy different offices, operating without any central guidelines or controls. Recordkeeping took the form of individual personnel cards. One of the jokes that circulated in the early years of the legislation, repeated only half-facetiously, was that equal employment op-

17. For example, the Department of Education operated under the Education Commission Act of 1980.

18. In 1983, universities and colleges of advanced education were added as well, but this is another story.

portunity would come to the Water Board when they started to hire the daughters, as well as the sons, of the current workers.

The Department of Education was an especially tough nut to crack. This was, and is, one of the most powerful of the state agencies, controlling approximately twenty-five percent of the state's budget each year, and employing some 46,000 teachers and 12,000 administrative staff members to run 2,300 schools across the state. The Department was organized into ten regional areas of administration, but real power remained at the center, controlled by the Head Office. The state depended upon the Department's orderly administration of the annual Higher School Certificate (HSC) examination, which was the gateway to further study for all students in the state in both private and public schools. As I learned when I joined the Department, any proposed measure which could be portrayed as threatening to the orderly conduct of the schools, and especially of the HSC exam, could be derailed without much difficulty.

The progress of the EEO legislation, then, was uneven. In the departments, where some reform to personnel practices had already taken place, introducing EEO principles was easier, and the atmosphere more receptive.¹⁹ In the declared authorities, where seniority remained sacred and personnel practices a matter of long tradition, the introduction of EEO principles was initially strenuously resisted. But it was my observation that the reception of EEO was also, in part, a function of the services the department or authority provided, the professional makeup of the staff, and therefore, the organizational ethos, and perhaps most crucially, the senior executive officer of the organization and his or her politics and commitments.

Each department or authority had quite a distinct history and organizational climate. For example, the Corporate Affairs Commission, a department, was peopled by attorneys and other officers committed to sleuthing out frauds in the corporate sector. They prided themselves upon being tough, and were highly resistant (as was perhaps predictable) to being subject to any kind of investigation or inquiry. The Attorney-General's Department, on the other hand, was more receptive. While also peopled by attorneys, especially at senior levels, officers of the department were committed to the use of law for social change. Always ready for a good debate, they were prepared to see the point of a coherent argument.

One of the standard rhetorical weapons in the DEOPE arsenal was the point that in order to develop policies that delivered services to the public that were both effective and appropriate to the needs of a diverse citizenry, it was important to ensure that members of the public administration included people from a range of backgrounds — migrant, Aboriginal,

19. For example, as noted earlier, promotion on the basis of merit rather than seniority had been established by the 1979 Public Service Act.

women, people with physical disabilities — who could contribute to the design of such policies.²⁰ I remember addressing groups of senior management at the Attorney-General's Department and seeing a response on their faces (later confirmed in private conversations) that indicated that they saw the force of this argument, and even agreed that this was in effect their responsibility as public servants and as drafters of social policy legislation. No such receptive response lit up the faces of the dreaded legions at the Corporate Affairs Commission, at least in the early years. They remained stony-faced, and in practice resisted implementing the legislation as long as they could get away with it.

The progress of implementing EEO in New South Wales can be traced through the annual reports of the DEOPE, which were lodged each year in Parliament as a chapter of the Annual Report of the Anti-Discrimination Board.²¹ The first stage for each organization was filing the EEO plan with our office. The initial plans were superficial and easy to pick apart. The statistical analysis of the workplace was in some cases incomplete. In others it was adequate as to the data but astounding in interpretation. The next step in the establishment of the power of the DEOPE was the treatment of the initial plans. We read each one and graded it as though it were a term paper, sending back a letter to the head of the organization which read, in effect, B- for effort, and D for content: do it again, please.

We later learned that these letters from the DEOPE, which we spent hours gleefully composing, and which were written in a style that was very far from the cramped and convoluted prose of ordinary public service correspondence, were passed from hand to hand by heads of organizations at their monthly meetings. It became over time a matter of prestige to have received a letter from the Director that praised your organization for some EEO initiative or other, and a matter of embarrassment if you had once again been rapped over the knuckles. Most of the plans were sent back to be redone. Eventually the fact that one's EEO plan had been found satisfactory by the Director was incorporated into the public sector as a sign of good management. This effect must, in part, have depended upon the close-knit community of the New South Wales public service, where reputations and the opinion of peers counted in the balance.

But some organizations resisted the pressure. Foremost among these was the Department of Education. The fact that the EEO management plan for the Department of Education remained unsatisfactory for longer than that of almost any other organization appeared to leave its senior management unmoved. The Director-General of Education, R.B. (Bob)

20. This was the concept of representative bureaucracy, introduced into the discourse of the New South Wales state administration by Peter Wilenski. *See supra* note 13.

21. *See ANTI-DISCRIMINATION BOARD OF NEW SOUTH WALES, ANNUAL REPORTS (1980-88).*

Winder, sent letters back to the DEOPE that were fully equal to hers in bureaucratic power, although couched in more traditional language, which in effect challenged the power of the DEOPE to force the Department into compliance.

The heart of the EEO issue for the Department of Education was and had been for many years the imbalance in the distribution of women teachers.²² Women teachers, who comprised fifty-seven percent of the service, had over the years been underrepresented in the promotions positions that carried power and prestige in the schools: department head, deputy principal, and principal. These high level positions led, via the position of inspector, to power in regional and central administration. The male domination of the teaching service at senior levels (as with school systems elsewhere) had been documented in reports of the Anti-Discrimination Board and widely criticized. The EEO legislation was the perfect vehicle to overcome this, at least in theory. But in practice this required agreement among the DEOPE, the Department of Education, and the powerful Teachers Federation trade union to the dismantling of the system of appointment by seniority that had shaped the Department for many years.

Such an agreement seemed difficult, if not impossible. The primary obstacle was a standoff between the DEOPE and the Director-General of Education, which took the following form. The Department had proposed an initial break with seniority in its revised EEO management plan. (An initial plan with no significant changes to personnel procedures had been rejected summarily early in the process.) Ten percent of the promotions positions were to be allocated for selection by merit rather than by seniority. Forty percent of the positions were to be allocated to qualified women teachers in a system of direct preference, as an affirmative action measure. The remainder of the system would remain intact, with positions allocated on seniority, as in the past.

This was the plan that the DEOPE vetoed in the first instance, for a series of complex reasons. One of these was her doubts about the extent of the power of the provisions of Part IX(A). The legislation in New South Wales authorized the setting of numerical goals and targets, but not of "quotas." The forty percent provision appeared to be a stronger form of affirmative action than had previously been authorized under the amendment for other EEO plans. And it was clear that there were activist male teachers in the Teaching Service who were prepared to take court action immediately after the introduction of any affirmative action measure. It appeared safer for DEOPE to ask the Department to amend its own act, rather than to test the strength of our own legislation.²³

22. In this narrative I am leaving aside what was in many ways a more crucial but more difficult struggle for the recruitment and promotion of Aboriginal teachers.

23. There was a precedent for this. In the case of Aboriginal teachers, the Education Commission Act had been amended to provide for absolute preference for an indefinite period. From the point of

Another concern was the vagueness of the provision in the Department's plan for a ten percent merit "slice" of promotions, as it was termed colloquially. What positions would be covered by this provision, and how would they be selected? The DEOPE took the view that the introduction of a system of merit should have a self-evident logic to it. For example, it would make sense to introduce merit selection at the level of principals, as the chief leaders in the schools.

The scope for resolving these policy differences was diminished by the souring of relations between the DEOPE and the Director-General of Education. Each felt aggrieved. The Director-General felt that his Department had taken enormous steps toward meeting the requirements of the legislation, yet the DEOPE did not appear to give this effort much credit and refused to approve the plan. The DEOPE, meanwhile, envisaged a sweeping reform to the promotions system that would remove seniority altogether. She saw the forty percent direct preference provision as a stop-gap measure that preserved some of the worst features of seniority.²⁴ The situation was not improved when the Education Minister and the Director-General decided to launch the unapproved EEO management plan at a very public occasion, as an official plan of the Department. The DEOPE was invited, and she attended, but the atmosphere at the launch was frosty.

In the middle of this standoff, I was recruited by the Department of Education to take up the newly created position of Leader of their EEO Unit. This was a middle management position, supervising the two existing EEO Coordinators, one responsible for the Education Teaching Service and the principal author of the EEO management plan, Kerry Hyland, and the other, Susan Harben, responsible for the Public Service staff of the Department. As Leader of the Unit I had, in effect, been poached by the Department with a view to acting as a bridge or mediator between my former and current employers. As it turned out, the Department's ploy worked. After much negotiation we came up with a set of revised strategies for the EEO management plan, a three-part reform which became known as "the package."

Part one of the package was the promotion of principals by "comparative assessment." The system of placing principals in schools according to their number on the seniority list was to be replaced by a system of recommendations and interviews, which gave rise to a merit list where candidates were rated according to a series of criteria. The system of interviews

view of the Department, however, it would be much more difficult to convince the cabinet of the need for affirmative action on behalf of women than for Aborigines, where the need was so glaring (in 1988, for example, only fifty-three out of more than 46,000 teachers were Aboriginal).

24. This was in a context in which the DEOPE had succeeded in convincing other, equally tradition-bound branches of the public service such as the Police Force progressively to abandon seniority in favor of merit promotions.

was elaborate, organized in each of the ten regions, with the rating list then "moderated" by a kind of supercommittee at the center. The net effect would be to open the positions of principal to candidates who might have been assessed as eligible for promotion in the last one or two years, whereas under the old system, those taking positions had been waiting patiently on the list for up to fifteen years or more.

Part two was the affirmative action measure for women teachers encompassing forty percent of the promotions positions below the level of principal. The method of selecting these women was discussed and refined to avoid any taint of favoritism. Male teachers, who for years had found ways to manipulate the seniority system in order to place themselves in line for what were seen as the plum positions in the service, were deeply suspicious of how the forty percent preference was going to operate. The women teachers on the relevant promotions list for each category of appointments were constituted as (in effect) a subset of the seniority list, and for each ten positions, four (that is, names lying at positions 1, 4, 7 and 10 in the group of 10) were to be "first offered" to the most senior women.

Part three was a provision to remove the service undertaking which had been a requirement for permanency under the system. The EEO statistics had shown that many women had refused to sign the undertaking, which pledged their readiness to serve anywhere in the state, due to domestic responsibilities. To forfeit permanency meant also to forfeit the right to promotion, to superannuation (pension rights), and of course to job security. The rationale for jettisoning this provision was that in practice the Department went to enormous trouble to accommodate the geographical requirements of teachers, and in any case the Education Commission Act provided the Director-General with the power to move teachers with or without their having signed a pledge. This measure would permit a significant number of temporary teachers, eighty percent of them women, to become permanent.

This was the package that eventually won Cabinet approval and was signed into law in May 1987. The story of the coalition that was forged to sell the package is the story of an extraordinary alliance of femocrats and bureaucrats, each bringing to the campaign a particular, and not necessarily shared, set of objectives. The DEOPE wanted to reform the promotions system of the Education Department along the lines of other EEO reforms in the state, and to have her authority recognized by the Department, without jeopardizing the power or the reputation of the state's EEO program. The Director-General wanted to accommodate to the requirements of the EEO legislation without threatening the centralized control over the running of the schools that he saw as key to maintaining the standard of public education. And of course he wanted to protect the power of the center as against the regions, the schools, and the local communities. The Director of Industrial Relations, Geoff Baldwin, wanted a

progressive reform that would not disrupt the smooth industrial relations he had achieved with the Teachers Federation.²⁵ And the EEO officers wanted to ensure that the reform to the promotions system actually benefitted women teachers in a concrete and measurable way.

The motives of the Minister of Education, Rodney Cavalier, are harder to summarize. He was a complex character; of Italian origins, he was hostile to the multicultural mode of celebrating ethnicity that was official Labor Party policy. He was passionately committed to the defense of public education and spent much of his time as Minister traveling around the state visiting schools and showing the flag, as he put it. Cavalier saw himself as a classicist and student of history; he was fanatical about watching and playing cricket, and was notorious for his public animosity to feminism and feminists. In a battle waged within the Labor Party in the 1970's for affirmative action to increase the number of women standing for Parliament and holding positions of influence within the Party, Cavalier had resolutely opposed the measures and coined the term "gender fascists" to refer to their proponents. He was therefore an unlikely candidate to sympathize with, let alone preside over, the introduction of affirmative action for women teachers.

But on Cavalier's personal staff, and on the permanent staff of the Minister of Education, were several feminists who had been part of the longstanding campaign in New South Wales for women's educational opportunities. While Cavalier took great pleasure in mocking his feminist advisers and their convictions, he was nonetheless capable of grasping the importance of some of their advice on the need for female role models in the schools, the need for excellence in the leadership of the school system, and the need overall for flexibility in school staffing. He was prepared, too, to pay attention to the impassioned arguments of the DEOPE, who spent many long hours lobbying him on the need for change in the Department of Education.

Among Cavalier's more admirable qualities were a capacity to listen and to absorb an argument, and the ability to change his mind and his policies, once convinced — often for less than admirable reasons, of course, including what would win him votes — that the new policy was worth pursuing. In addition, he was a very tough player in the party and the Parliament, committed, like most of his colleagues, to winning. Once he made up his mind, he was unshakeable. This firmness turned out to be an enormous asset in the case being recounted here.

Cavalier presented the package of reforms to the Cabinet, which referred it, in turn, to a sub-committee, where, some assumed, the measure

25. The politics of the Teachers Federation in relation to the package, under the leadership of its first woman president, Jennie George, makes an extremely interesting sub-plot, which I am omitting for reasons of space and lack of direct information.

would die. But in fact the sub-committee was convened by the Minister of Health, Peter Anderson, who had progressive views. He duly invited the Minister to present his proposal. He, in turn, invited the team that had been selling the package, namely, the Director of Industrial Relations, myself, and my colleague, the EEO Coordinator, to address the committee and to answer their questions. The Ministers present appeared to be sympathetic to the need for reform of the system. One with direct personal experience mentioned the problem of "dead wood," namely, people appointed as principals so far toward the end of their careers that they were in effect retiring on the job, much to the detriment of the students. No one present appeared to be opposed to the idea of taking some direct measure to ensure a greater representation of women in promotions positions.

We presented the statistics on the current distribution of women in the system, and on the projected future distribution given the placement of women on the promotions lists (well to the bottom, due to loss of seniority for time out in childbearing and childrearing) and the projected retirement ages of the women.²⁶ We explained the forty percent as a minimum figure that would begin to redress the imbalance. One of the Ministers then posed the question that came up over and over again in discussions of the package. Would it not be fairer simply to establish two lists, one of men and one of women, and take each name off the top of the lists in alternation? Whenever this question was asked, I would simply pause, and wait until the questioner exclaimed, as this one did, "Hang on, that's *fifty* percent!" Nothing more needed to be said. The laughter in the room expressed relief that we were not asking for a half or a majority share of the positions.

An incident during the cabinet sub-committee hearing that stays with me occurred in the middle of the meeting, when the tea was brought in by a "tea-lady." Looking embarrassed, the Chair of the committee remarked that they had equal opportunity in his department, and that there were also tea-men on duty. There was a moment of tense silence, until I replied, with a smile, "There's no need to be defensive, Minister." This produced a roar of laughter all around. The Director-General later told me that this incident was probably a turning point. At that level,²⁷ he said, they are basing their decisions as much on who is bringing the proposals forward as on the content. My willingness to laugh reassured them that my team and I were not extremists, seeking the defeat of the Labor Government, and they were willing to trust us.

The sub-committee approved the package, and then returned the matter to the Cabinet. Weeks went by, with agonizing phone calls to the Pre-

26. From the Department of Education, EEO MANAGEMENT PLAN FOR THE EDUCATION TRAINING SERVICE (1985).

27. Meaning, at that level of government.

mier's Department to ask, has the measure been put on the agenda yet? The fear was that the head of department who controlled the agenda would simply arrange for the measure to die via delay. Finally the word came that the matter was on the agenda, and then that it had passed. There was a last-minute attempt by the Labor Council, prompted by the Teachers Federation, to dissuade the Premier from approving the measure.²⁸ But this failed, and the amendments to the legislation were officially gazetted in May, to take effect with the staffing operation which began on 1 July 1987.

When the package came into effect, the reactions seemed at first to be subdued. But soon a very vocal group of right-wing male teachers began a campaign against the forty percent measure. They gathered staff signatures in schools, pressured women teachers against accepting the positions when they were offered, and influenced some colleagues to isolate and to harass women teachers who would be benefitting from the legislation. A public debate began in the press. There seemed to be a general degree of acceptance for the principles of the package. There was, however, a clear indication that the Liberal and National Parties making up the opposition coalition considered the forty percent to be an excess caused by Labor Party ideology. They signalled very loudly that should they come to power, the forty percent would have to go.

Meanwhile, the projected figures of how many women teachers would actually benefit from the measure turned out to be low. The EEO research had indicated that the forty percent would probably be a high estimate. Some women teachers would not accept the positions offered to them, either for reasons of geography, or of reluctance to take a position not actually offered to them on "merit."²⁹ But of the deputy principals' positions offered to women under the forty percent measure in the first year — just over 50 positions — all but one were taken up. So much for research! It was clear that the year-long debate about affirmative action, and the long years before that of campaigns on behalf of women teachers, had had their effect. There was a generation of teachers who were happy to accept the measure of redress that had been won on their behalf.

The victory, however, was short-lived. On 19 March 1988 the Labor Government lost power to the Liberal-National coalition. Within a week of winning the election, the new government announced that the forty percent affirmative action measure would be withdrawn. They also announced the sacking of the newly appointed Director-General of Educa-

28. The Federation objected to the allocation of principals' positions on merit, not to the forty percent for women teachers. In private Jennie George saw the change as inevitable and did not really object to it. But she was sworn to uphold the union's position on defending seniority.

29. Of course, under the previous seniority system no one had "earned" a promotion, in that sense. All teachers had demonstrated comparable merit on being accepted into the teaching service. Thereafter, promotions had been acquired via longevity in the system, and it was chiefly women who had sacrificed longevity to the demands of childrearing.

tion, who had been selected by the outgoing minister, Cavalier. Privately, the new Liberal Minister for Education assured the Department of his support for EEO measures in general, but said that the government had been obliged to get rid of the forty percent goal since it had been a very public campaign promise. The government looked to instituting merit promotions system-wide over the coming decade, and would rely on the EEO Unit for suggestions as to how this should be implemented. Shortly thereafter, the EEO unit was reduced from twenty-three positions to three, facilitating my decision to leave the Department of Education in April, 1988, permanently, as it turned out. As of this writing (November, 1989), seniority has been abolished, and the department is being restructured. It remains to be seen what the outcome of the changes will mean for the prospects of women.

The account I have given here is a bare-bones narrative, which leaves out many aspects of the story (including, as noted, the role of the union, and of the Anti-Discrimination Board of New South Wales). In part this is due to the limitations on my own experience and in order to simplify the narrative. But some material is omitted because certain aspects are painful to recall and politically unwise to make public. I will refer to elements of these difficult areas in the comments which follow.

The first general point to make is about the pull of institutional loyalties and institutional socialization on women, and the impact of these upon an ideal form of behavior inspired by feminist solidarity. One of the effects of becoming a femocrat is that one is inevitably drawn into the politics and the ethos of the organization for which one is working. This seems a truism, yet it is crucial to understand.

The EEO officers working for the Department of Education had two choices. If they gave their allegiance wholeheartedly to the organization, then inevitably their behavior and their decision-making favored the interests of the organization. This was at the expense of an ability to offer inside information to femocrats located elsewhere, for example, inside the DEOPE or the Minister's office. If they gave their allegiance to the DEOPE on the ground that this is where the power to improve the situation of women workers lay, then they were viewed with intense suspicion and treated as members of a fifth column, to whom delicate and sometimes sensitive matters of high policy could not be divulged. In effect, they were rendered powerless.

The navigation of these shoals was a constant matter of judgment, and thus no interaction with one's sisters outside of the organization (or, for that matter, inside) was free of calculation. All transactions were subject to the same editing, caveats about confidentiality, and about deniability: "You never heard this from me." As with other bureaucratic transactions, communication among femocrats was carefully managed and controlled, and the degree of trust among us was thus always at best partial. The

strain of this conflict of loyalties took its toll, especially on femocrats whose entry to the bureaucracy had been primarily motivated by a commitment to feminist ideals.

The second point is the difference it made as to what forms of feminism one was espousing. There was a continuing debate in New South Wales during the decade of EEO activism as to whether or not this was "really" feminism. EEO and affirmative action were seen as imports from the U.S., and were highly suspect on this ground alone. In addition, the structure of the EEO legislation placed it squarely within a tradition of liberal democratic reform. To the extent that the overall impact of EEO implementation in the public sector was on procedures — improvements, for example, in the criteria for selection and in methods for recruitment and appointment of personnel at all levels — it was seen as reformist, limited in scope, and having little or nothing to do with the specific interests and needs of women as a group. The forty percent affirmative action measure for women in the Department of Education, of course, tested this, as it was clearly an out-and-out measure of redress specifically aimed at women teachers. The reluctance of DEOPE initially to espouse this, for reasons outlined earlier, opened that office (unfairly, in my view) to a charge of betraying feminism, or more broadly, of never having been really feminist in the first place.

A third point is about the fortunes of feminist aspirations as linked to the fortunes of political parties and leaders. Clearly the EEO initiative in New South Wales was linked to Neville Wran and to the power of the Labor Party. The Labor Party nationally has committed itself in policy terms to a range of feminist objectives, from affirmative action to child care,³⁰ as a frank exercise in increasing its electoral margin through the votes of women. The women's movement, in turn, has taken advantage of this to claim its dues for women's issues where Labor has come to power. This is a risky fate for feminism, as is clear from the outcome in New South Wales. Yet what other path forward is there?³¹

A fourth point concerns the kind of power accorded to femocrats and the kind of power wielded by them. In an early discussion with my boss, Geoff Baldwin, at the Department of Education, he remarked to me that in his first year as Director of Industrial Relations he had made perhaps hundreds of phone calls to his colleagues, the Regional Directors of Education, with requests for them to take action of one kind or another. Very often these calls concerned things they were most reluctant to do. Technically, my boss was exactly at the same bureaucratic level as the Regional Directors. Yet it was known that he was close to the Director-General

30. Although not to equal pay for work of comparable value.

31. At this writing Labor still holds power nationally, and in Victoria, South Australia, and West Australia; New South Wales, Tasmania, Queensland and the Northern Territory have Liberal-National state governments.

and often was phoning at the latter's request. In only one case during the year had he needed to phrase the phone call more strongly than saying things like, "Look, Ralph, I wonder if you'd mind doing X?"

This style of wielding power was very far indeed from that to which I was accustomed in the office of the DEOPE, where, even with the derived power of the Premier behind us, we wrote stern letter upon stern letter before getting action, and often had to invoke the personal wrath of the Minister concerned before our requests were heeded. Was this a function of the gender difference? Or was it the bureaucratic response to the outsider vs. the insider? It ran through my mind that each male bureaucrat, whatever his style, had a tradition of thousands of years of bureaucratic power behind him, stretching back to Babylon. The senior women groped for an appropriate style. They eschewed the nurturing role for fear of being treated as a mother (with all of the ambivalences this evokes) rather than a boss. But they were unable really to use the full range of male styles of leadership, especially the Wran style of exerting authority through unpredictable fits of rage. When used by women against men this evoked a particularly deadly form of rage in return. What was effective, in my experience, was a form of alliance between femocrats and traditional bureaucrats, where our interests ran parallel. In this context it was quite possible to be oneself in manner and even in outrageous language, because one's authority as a feminist expert was recognized, and even sought, in the context of a particular initiative such as the one I have described here. Here one's gender was, as it were, legitimate. I was speaking as an official advocate for women, and therefore arguments from me had weight.

In a curious way, then, the power of femocrats stemmed from their explicit orientation and role, and this provided a good deal of freedom to maneuver. Needless to say, however, the power thus wielded was extremely limited in scope. It was hedged about by the priorities of the organization as a whole, and by the degree to which one's own feminist projects could be fit in within this larger set of priorities. The power was thus hemmed in and determined by others. The struggle was always to extend the areas within which one's gender experience and expertise were recognized by the men who continued, over all, to set the agenda.

CONCLUSIONS: IMPLICATIONS FOR THE DEVELOPMENT OF FEMINIST THEORY — QUESTIONS, NOT ANSWERS

Bearing in mind my comments at the beginning of the paper on the specificity of national differences and their impact upon feminist interventions, what can be drawn from this experience that is useful in developing an internationally relevant body of feminist theory? In this last section, I

pose some questions that for me flow from experiencing and thinking about the events I have recounted.

1. Do we need to reconsider the slogan "the personal is the political"? In its original usage, this was a feminist statement about the need to see the operations of power in so-called private situations such as marriage. But in the context of women wielding a modicum of political power in a system still under strong patriarchal control, it may now be necessary to think about the political as the personal, and to ask why, among women, the political gets so personal? In the context of the EEO experiment in New South Wales, there has been a widespread expression of disillusionment with femocrats among feminists. What is our expectation of women, and especially of feminists, with a degree of power?

In thinking about this question, I found myself looking back to the experience of consciousness-raising, and to some of the comments by Adrienne Rich about the difficulties of mother-daughter relationships in the generation of feminists growing up in the 1940's.³² At least among white feminists there was an experience of finding within feminism relationships among women that were free of the conflicts and the ambivalence that had characterized relationships among women within the family and in friendships. Feminism seemed to promise a world of nurturance and acceptance, a redress of the hurts suffered by women at each others' hands, in an era when female solidarity seemed culturally possible.

The entry of women into positions of significant power, even when this is accompanied by a feminist program and personal commitment, has meant that relations among women of this kind cannot, structurally speaking, partake of the quality of nurturance and mutual acceptance that was part of the feminist utopia. The pull of institutional loyalties seems inevitably to tug against the ties of ideological sisterhood. Is this why conflicts among femocrats, or other professional and official feminists such as women's studies scholars or feminist politicians, have such a painful quality?³³

2. Are there lessons from the Australian experience for the women's movement in the U.S. and elsewhere? As noted, the path followed by feminists in New South Wales and in Australia in general has been reliant upon an alliance with the Labor Party, and on a decision to take up bureaucratic positions within state and federal administrations in order to further the interests of women using the power of the state. This strategy obviously relies upon a willingness to accept the constraints of what is

32. See A. RICH, *OF WOMAN BORN: MOTHERHOOD AS AN EXPERIENCE AND INSTITUTION*, ch. 9, *Motherhood and Daughterhood* (1976).

33. In this context it is interesting to note the arrival of a crop of publications treating the competition among women. See, e.g., L. EICHENBAUM & S. ORBACH, *BETWEEN WOMEN: LOVE, ENVY AND COMPETITION IN WOMEN'S FRIENDSHIPS* (1988).

politically expedient, i.e., saleable to the electorate and to the Party, in the outcomes that can be achieved for women.

Is this an acceptable model for elsewhere? Is it even a feasible model? Recent developments in Great Britain would seem to indicate that political forces to the left of the spectrum are for the moment radically splintered by the extraordinary power being controlled by Margaret Thatcher. In the United States, the Democratic Party seems an unreliable ally for women. But there are many avenues for feminist interventions and state and local levels. In the late 1980's it seems futile to argue that feminists should not, where possible, be seeking to use the political process to further our ends. Indeed Anna Yeatman has argued that at least in the Australian context the only possible feminist politics in the 1990's is a politics of the state.³⁴

3. What are the implications of the New South Wales experience for our theoretical views on power and gender? At the moment it seems to me that gender theory is located within a kind of feminist tower of Babel. The deconstructionists can barely speak to the empiricists, and vice-versa (and this failure of dialogue is of course complicated currently by the debate over the politics of deconstructionism).³⁵ To some extent, this is the result of success, and of specialization. Feminists have infiltrated the academy, and as moles within the disciplines, are shaping, and being shaped by, the discourses reigning in each area. The experience of feminist interventions in the real world, as filtered through the lenses of the several disciplines, gets fragmented and perhaps distorted. Feminism becomes a series of disparate phenomena: women as leaders or voters in political science analysis; women as bearers of difference in literary theory; women as the embodiment of an alternative morality in psychology; and feminism as epistemology in philosophy.

Meanwhile a generation of feminists has been, in practice, reshaping the meaning of gender through their lived experience as political actors, in an enormous range of different settings: government bureaucracies, trade unions, universities, political parties, corporations, and religious organizations. I have the persistent impression that theory lags radically behind practice, and that the experience of these women — the first firewoman, Vice-Presidential candidate, union president, and so on — provides data for a reconsideration of a lot of what has been said in the first round of theorizing about gender difference, and its relation to organizational structures, socialization, and work experience. This paper has been an attempt to contribute some experiential data to that investigation. I imagine that much more of this kind of work is needed in order really to rethink our

34. See A. YEATMAN, *supra* note 12.

35. See Heller, *Scholars Grapple with Literary Critic's Early Writings for Pro-Nazi Periodical*, THE CHRONICLE OF HIGHER EDUCATION, May 11, 1988.

theoretical frameworks about the relationship of women — and particularly of feminist women — to power.

